

REMARKS

In the Office Action mailed August 10, 2007, the Examiner withdrew her allowability of claims 5, 6, 10-12, 15, 17-22, 28, 29, 34, 35, 41, and 46-53. After the Examiner's withdrawal, claims 5-12, 15, 17-22, 26, 28-31, 34, 35, 40, 43, and 45-53 are pending and rejected. Claims 5-8, 10, 26, 29-31, 34, 40, 45, 48, 50, and 52 have been amended, and claims 56-58 have been added. Reconsideration of the present application is respectfully requested.

Claim Rejections under 35 U.S.C. § 112, first paragraph

Claims 29, 45, 48, 50, and 52 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Office Action asserts that element in the claims reciting the plurality of furnace mounts are coupled to the furnace free of any mechanical fasteners negates the claim language of claims 21, 40, 46, and 50. See, Office Action, page 2. Applicant respectfully disagrees with the position taken by the Patent Office. Claims 29, 45, 48, 50 and 52 do not eliminate the outer adhesive surface rather they narrow the broader claim to say that the invention is free of any mechanical fasteners. Therefore, withdrawal of this ground of rejection is respectfully requested.

Claim Rejections under 35 U.S.C. § 103

Claims 5, 6, 8-11, 15, 17, 19, 20, 26, 28, 30, 31, 34, 35, 40, 43, 46, 47, and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 1,887,283 to Brabson (hereinafter, "Brabson") in view of U.S. Patent 4,721,275 to Benton et al. (hereinafter, "Benton"), and in further view of U.S. Patent 3,326,528 to Born (hereinafter, "Born"). Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Brabson in view of Benton and Born and in further view of U.S. Patent 3,583,215 to Franz (hereinafter, "Franz"). Claims 12 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brabson in view

of Benton and Born and in further view of U.S. Patent 1,880,153 to Rosenzweig (hereinafter, "Rosenzweig"). Claims 21, 22, 51, and 53 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 1,647,825 to Griswold (hereinafter, "Griswold") in view of Brabson and in further view of Benton and Born. These grounds of rejections are respectfully traversed.

Under 35 U.S.C. § 103, the factual inquiry into obviousness requires a determination of:

(1) the scope and content of the prior art; (2) the differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) any secondary considerations. Graham v. John Deere Co., 383 U.S. 1, 17-18, 148 USPQ 459, 467 (1966).

See also KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 1734, 82 USPQ2d 1385, 1391 (2007) ("While the sequence of these questions might be reordered in any particular case, the [Graham] factors continue to define the inquiry that controls."). Additionally, "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." In re Kahn, 441 F. 3d 977, 988 (Fed. Cir. 2006) cited with approval in KSR.

The Applicant notes that claims 5-8, 10, 26, 30, 31, 34, and 40 were amended and claims 56-58 were added to reinstate most of the subject matter canceled in May 11, 2007 Response to Office Action. As such the independent claims currently pending are claims 15, 21, 40, 46, 51, and 56 and each include the feature of an adhesive surface coupling the main body member with the furnace which is not taught or suggested by the Examiner's proposed combinations.

In each of the combinations used to reject the claims, the Office Action relies on modifying the furniture support of Brabson to include the adhesive attachment of Born. The

Applicant submits that there is no teaching or suggestion in the prior art of such a proposed modification. MPEP § 2143.01 states “[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” The Office Action fails to consider that Brabson desires that its plate 20 not be attached to the office furniture leg 24 stating that “[i]n case a piece of furniture supported thereby is lifted and removed, the spurs will remain in place so that furniture may be replaced exactly in its former position when desired.” Page 1, line 100, to Page 2, line 4. The proposed combination would modify Brabson in a way which is unsatisfactory for its intended purpose of having plate 20 unattached to the office furniture leg 24. Therefore, for at least this reason and the reasons provided in each of the previous office action responses and the appeal brief, claims 5-12, 15, 17-22, 26, 28-31, 34, 35, 40, 43, 45-53, and 56-58 are believed to be in condition for allowance and such allowance is respectfully requested.

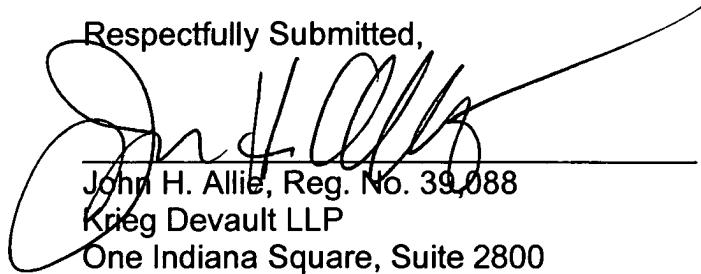
Notice of Appeal

Filed herewith is a second Notice of Appeal in order to reinstate the previous appeal in view of the continued trend of the Examiner allowing claims only to withdrawal the allowance in view of a new ground of rejection. Pursuant to M.P.E.P § 1204.01 the only fee due is the difference between the previous fee paid (\$500) for the first Notice of Appeal and the current fee (\$510) due for a Notice of Appeal, since this is the second Notice of Appeal in the present application and no final Board decision was made on the prior appeal. Therefore, a credit card authorization form authorizing the payment of \$10 is submitted along with the second Notice of Appeal.

CONCLUSION

Passage of the application to a Notice of Allowance or entry of the Notice of Appeal is respectfully requested. The Examiner is cordially invited to contact the undersigned by telephone to discuss any unresolved matters.

Respectfully Submitted,



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